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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER DC-5067US</b>
INTERNATIONAL APPLICATION NO. <b>PCT/US2004/018074</b>	INTERNATIONAL FILING DATE <b>08 June 2004</b>	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/559599</b>
TITLE OF INVENTION <b>MAGNETIC SEPARATOR APPARATUS</b>		
APPLICANT(S) FOR DO/EO/US <b>Peter David Armstrong, et al</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IPEA/US DEC 05 DEC 2005

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
<b>10/559399</b>	PCT/US2004/018074	DC-5067US

## 20. Other items or information:

RETURN RECEIPT POSTCARD

The following fees have been submitted			CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....			\$ 300	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). .... \$0 All other situations.....\$200			\$ 200.00	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). .... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400 All other situations.....\$500			\$ 400.00	
<b>TOTAL OF 21, 22 and 23 =</b>			\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
- 100 =	/50 =		x \$250	\$ -0-
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).			\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	18 - 20 =		x \$ 50	\$ -0-
Independent claims	4 - 3 =	1	x \$200	\$ 200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>			\$ 200.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				
			<b>SUBTOTAL =</b>	\$ 1,100.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			\$	
			<b>TOTAL NATIONAL FEE =</b>	\$ 1,100.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			\$	
			<b>TOTAL FEES ENCLOSED =</b>	\$ 1,100.00
			Amount to be refunded:	\$
			Amount to be charged	\$ 1,100.00

10/550399

PTO-1390 (Rev. 07-2005)

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IAPIC Deposit PTO 05 DEC 2005

- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 13-2492 in the amount of \$ 1,100.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2492. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

ROBERT L. MCKELLAR  
MCKELLAR IP LAW, PLLC  
784 SOUTH POSEYVILLE RD.  
MIDLAND, MI 48640

Robert L. McKellar

SIGNATURE

Robert L. McKellar

NAME

26,002

REGISTRATION NUMBER

## CERTIFICATE OF MAILING BY "EXPRESS MAIL: (37 CFR 1.10)

Applicant(s) Armstrong, et al

Serial No.	Filing Date	Examiner	Docket No.	Group Art Unit
10/559399	December 5, 2005		DC-5067US	

Invention: MAGNETIC SEPARATOR APPARATUS

I hereby certify that the followings correspondence:

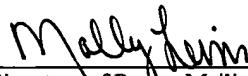
This will confirm receipt of US Utility Patent application under 371, in the name of Peter David Armstrong, et al, entitled: MAGNETIC SEPARATOR APPARATUS, consisting of 3pgs. transmittal letter with authorization to charge deposit account 13-2492 the sum of \$1,100.00 for filing fee, copy of pg. 3 of the transmittal, disclosure under 1.56, 2pgs. information disclosure statement by applicant, 4pgs. application data sheet; 32 pgs. specification/claims/abstract, 9pgs./10figs. original drawings, return receipt postcard.

Is being Deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Commissioner for Patents P.O. Box 1450, Alexandria, Va. 22313-1450

Molly Leins

Date: December 5, 2005

(Typed or Printed Person Mailing correspondence)



(Signature of Person Mailing Correspondence)

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(Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

10/559399

10/559399 05 DEC 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	)	Group Art Unit:
	)	
Armstrong, Peter David, et al	)	
	)	
Serial Number:	)	Examiner:
	)	
Filed: December 5, 2005	)	
	)	
Title: MAGNETIC SEPARATOR APPARATUS	)	Disclosure Under Rule 37 CFR 1.56
	)	
	)	
	)	
Attorney Docket: DC-5067US	)	Date: December 5, 2005

Commissioner for Patents  
P. O. Box 1450  
Alexandria VA 22313-1450

Dear Sir:

The relevant prior art known to the applicant and those primarily associated with  
The filing and prosecution of this application for patent is set forth on Form PTO/SB/08A  
enclosed herewith.

The pertinence of each of the references to the instant invention, if any, is set  
forth in detail in the specification.

Respectfully submitted,

*Robert L. McKellar*  
Robert L. McKellar  
Reg. No. 26,002  
Phone: (989) 631-4551